

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
June 11, 2019

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on Tuesday, June 11, 2019 at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Hemphill, Council President Atwell, Councilmen Casazza, Conklin, Kingsbery and Rubin.

Absent: Councilman Swikart.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks, Borough Engineer, was present.

Mayor Hemphill declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2019 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilman Casazza, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM PETER ENGLISH, MANAGING PARTNER FOR THE ENGLISH GROUP, LLC ADVISING OF A REVISION TO COASTAL PERMIT APPLICATION (LURP-2) FOR PROPERTY LOCATED AT 16 WILSON CIRCLE (BLOCK 49, LOT 3).

The Municipal Clerk/Administrator received a letter from Peter English, Managing Partner for the English Group, LLC, advising of a Coastal Permit Application (LURP-2) plan revision for property located at 16 Wilson Circle (Block 49, Lot 3), which has been re-submitted to the New Jersey Department of Environmental Protection (NJDEP).

On motion by Councilman Rubin, seconded by Councilman Casazza, this communication was ordered received. All in favor.

LETTER FROM MAEVE DESMOND, PROJECT MANAGER FOR COASTAL ENVIRONMENTAL CONSULTING, LLC ADVISING OF A COMBINED APPLICATION FOR FRESHWATER WETLANDS GENERAL PERMITS (GP) 2, 8, AND 10A, TRANSITION AREA WAIVER AVERAGING PLAN, LOI VERIFICATION, AND FLOOD HAZARD AREA AVAILABILITY DETERMINATION FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION. APPLICATION IS REGARDING PROPERTY LOCATED AT 155 RIDGE ROAD (BLOCK 84, LOT 21).

The Municipal Clerk/Administrator received a letter from Maeve Desmond, Project Manager for Coastal Environmental Consulting, LLC, advising the Borough of a combined application for Freshwater Wetlands General Permits (GP) 2, 8 & 10A, Transition Area Waiver Averaging Plan, LOI Verification, and Flood Hazard Area Applicability Determination that has been submitted to the New Jersey Department of Environmental Protection (NJDEP), Division of Land Use Regulation. Along with the letter, supporting documentation was included in the package. This combined application is for property located at 155 Ridge Road (Block 84, Lot 21).

On motion by Councilman Rubin, seconded by Council President Atwell, this communication was ordered received. All in favor.

LETTER FROM JACK PRYOR, PRINCIPAL ENVIRONMENTAL CONSULTANT FOR AQUA-TERRA ENVIRONMENTAL, INC. NOTIFYING THE BOROUGH OF AN APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A WATERFRONT DEVELOPMENT PERMIT TO CONSTRUCT A NEW RECREATIONAL DOCK. APPLICATION IS REGARDING PROPERTY LOCATED AT 27 TUXEDO ROAD (BLOCK 124, LOT 22).

The Municipal Clerk/Administrator received a letter from Jack Pryor, Principal Environmental Consultant for Aqua-Terra Environmental, Inc. advising of the submission of a NJDEP Waterfront Development Permit to construct a new recreational dock. Property location is 27 Tuxedo Road (Block 124, Lot 22).

On motion by Councilman Rubin, seconded by Council President Atwell, this communication was ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

ORDINANCE 19-003 TO APPROPRIATE FUNDS FOR VARIOUS CAPITAL PROJECTS AND THE APPROPRIATION OF THE COST THEREOF. PUBLIC HEARING.

The Municipal Clerk stated that an Ordinance entitled:

**AN ORDINANCE TO APPROPRIATE FUNDS FOR
VARIOUS CAPITAL PROJECTS
AND THE APPROPRIATION OF THE COST THEREOF.**

was scheduled for public hearing at this time. He stated that the Ordinance had been posted and published and the Affidavit of Publication is on file.

On motion by Councilman Rubin, seconded by Councilman Casazza, the public were given an opportunity to be heard on this Ordinance in final reading. All in favor.

Mayor Hemphill afforded the public the opportunity to speak at this time and no one responded.

On motion by Councilman Rubin, seconded by Council President Atwell, the public hearing on this Ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this Ordinance in final reading. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Abstain: None.

Absent: Swikart.

NEW BUSINESS:

RESOLUTION 2019-0611-71 REFUNDING OF PRE-PAID POLICE SERVICES TO NATIONAL MULTIPLE SCLEROSIS SOCIETY.

2019-0611-71

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION TO AUTHORIZE REFUND
PRE-PAID POLICE SERVICES TO
NATIONAL MULTIPLE SCLEROSIS SOCIETY**

WHEREAS, the National Multiple Sclerosis Society posted \$500.00 for pre-payment of 5 hours Police Services; and

WHEREAS, Sergeant Robert Boyer has confirmed that Rumson Officers provided 2.5 hours of the requested service; and

WHEREAS, Helen L. Graves, Chief Financial Officer, has confirmed receipt of the funds listed above and recommends refunding \$250.00 to the National Multiple Sclerosis Society.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that \$250.00 be refunded to the National Multiple Sclerosis Society, 733 Third Avenue, New York, NY 10017; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

Resolution seconded by Councilman Casazza and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

**RESOLUTION 2019-0611-72 REFUNDING STREET OPENING BOND FOR PERMIT
NUMBER C-06/2019.**

2019-0611-72

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION REFUNDING
STREET OPENING BOND FOR
PERMIT NUMBER C-06/2019**

WHEREAS, Daniel M & April L Lopiccolo, 1 Wilson Circle, Rumson, NJ 07760, paid \$250.00 application fee and \$1,000.00 cash bond for Street Opening Permit Number C-06/2019; and

WHEREAS, Dave Marks, Borough Engineer, has inspected the project listed above and has found it to be satisfactory and therefore recommend release of the \$1,000.00 bond;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Daniel M & April L Lopiccolo, 1 Wilson Circle, Rumson, NJ 07760 be refunded the \$1,000.00 bond; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

RESOLUTION 2019-0611-73 APPROVING SUBMISSION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE WEST RIVER ROAD CURB AND SIDEWALK IMPROVEMENTS-PHASE 4 PROJECT.

BOROUGH OF RUMSON
COUNTY OF MONMOUTH, IN THE STATE OF NEW JERSEY

RESOLUTION

APPROVAL TO SUBMIT A GRANT APPLICATION
AND EXECUTE A GRANT CONTRACT WITH THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
THE WEST RIVER ROAD CURB & SIDEWALK IMPROVEMENTS – PHASE 4 PROJECT

WHEREAS, the Borough of Rumson is applying for funding to conduct Pedestrian Safety Improvements with the installation of new concrete curbs, sidewalks, and ADA compliant curb ramps along West River Road from First Street to Third Street; and

WHEREAS, the project will help to continue and improve the local roadway network for vehicular, bicycle, and pedestrian modes of travel; and

WHEREAS, the Monmouth County Board of Chosen Freeholders supports the proposed project as identified in their resolution.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Rumson formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk/Administrator are hereby authorized to submit an electronic grant application identified as **MA-2020-Rumson Borough-00105** to the New Jersey Department of Transportation on behalf of the Borough of Rumson; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk/Administrator are hereby authorized to sign the grant agreement on behalf of the Borough of Rumson and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The above Resolution was moved for adoption by Councilman Rubin. Motion seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

RESOLUTION 2019-0611-74 AUTHORIZING THE RENEWAL OF EIGHT (8) PLENARY RETAIL CONSUMPTION LIQUOR LICENSES FOR THE YEAR 2019-2020.

2019-0611-74

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the renewal of the following Plenary Retail Consumption Liquor Licenses for the year 2019-2020:

1. Sing Song, Inc., T/A Barnacle Bill's Restaurant, 1 First Street, Rumson, N.J.
(State Assigned License #1342-33-004-003);
2. Victory Park Tavern, LLC., T/A Victory Park Tavern, 21-23 West River Road, Rumson, N.J.
(State Assigned License #1342-33-013-006);
3. Two River Partners, LLC, T/A Undici, 11 West River Road, Rumson, N.J.
(State Assigned License #1342-33-006-005);
4. Rumson House, LLC, T/A Rumson House, 26 Ridge Road, Rumson, N.J.
(State Assigned License #1342-33-009-003);
5. Trained Monkeys, LLC, T/A Murphy's Tavern, 17 Ward Lane, Rumson, N.J.
(State Assigned License #1342-33-007-005);
6. Salt Creek, L.L.C., T/A Salt Creek Grille, 4 Bingham Avenue, Rumson, N.J.
(State Assigned License #1342-33-010-005);
7. Round Lake Partners, LLC, T/A Val's Tavern, 123 East River Road, Rumson, N.J.
(State Assigned License #1342-33-003-004);
8. Surf BBQ License, LLC, T/A Surf BBQ, 132 East River Road, Rumson, N.J.
(State Assigned License #1342-32-002-009).

Resolution seconded by Councilman Casazza and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

RESOLUTION 2019-0611-75 AUTHORIZING THE RENEWAL OF TWO (2) PLENARY RETAIL DISTRIBUTION LIQUOR LICENSES FOR THE YEAR 2019-2020.

2019-0611-75

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the renewal of the following Plenary Retail Distribution Liquor License for the year 2019-2020:

1. Rumson Wine & Spirit Shop, Inc., T/A Rumson Buy-Rite, 5 West River Road, Units 3, 4, and 5, Rumson, N.J.
(State Assigned License #1342-44-011-007);
2. Brennan's Delicatessen at Rumson L.L.C., T/A Brennan's Delicatessen, L.L.C. 42-44 West River Road, Rumson, N.J.
(State Assigned License #1342-44-001-005).

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

RESOLUTION 2019-0611-76 ABANDONING OLD RUMSON ROAD PARK RIGHT-OF-WAY.

2019-0611-76

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION TO ABANDON
OLD RUMSON ROAD PARK RIGHT-OF-WAY**

WHEREAS, the Monmouth County Board of Chosen Freeholders transferred the right-of-way of Old Rumson Road to the Borough of Rumson via Resolution Number 81-864 dated December 10, 1981; and

WHEREAS, the Monmouth County Board of Chosen Freeholders required an underground utility easement for electrical service to the current moveable span bridge through the Borough's West Park; and

WHEREAS, the Monmouth County Board of Chosen Freeholders completed a New Jersey Department of Environmental Protection Green Acres Diversion application to allow for the proposed easement on park property; and

WHEREAS, Monmouth County Board of Chosen Freeholders, as part of their Green Acres Diversion application, constructed the pocket park at the end of Old Rumson Road to mitigate the impacts associated with the easement; and

WHEREAS, the Borough has maintained the pocket park at the end of Old Rumson Road since the improvements were completed; and

WHEREAS, the Monmouth County Board of Chosen Freeholders indicated during the Green Acres Diversion application the pocket park would be placed on the Borough Recreation and Open Space Inventory.

NOW THEREFORE BE IT RESOLVED, the Mayor and Council desire to abandon the right-or-way utilized for the pocket park at the end of Old Rumson Road identified as Proposed Block 143, Lot 2 on the survey prepared by Jon T. Luts, P.L.S., of Yorkanis & White Inc., dated June 10, 2019, consisting of one (1) sheet and as further detailed in a legal property description also prepared by John T. Luts, dated June 10, 2019 consisting of 5,343 square feet.

NOW THEREFORE BE IT FURTHER RESOLVED, the Mayor and Council authorize the Municipal Clerk/Administrator to take the necessary steps to have the newly created parcel Block 143, Lot 2 also known as the Old Rumson Road Pocket Park added to the Recreation and Open Space Inventory.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

**RESOLUTION 2019-0611-77 AUTHORIZING REFUND OF THE BALANCE OF
ESCROW FEES TO RAY RAP REALTY.COM, INC.**

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING REFUND OF THE
BALANCE OF ESCROW FEES TO RAY RAP REALTY.COM INC

WHEREAS, Raymond Rapcavage posted Escrow for a Subdivision of Block 44, Lot 1, also known as 16 Narumson Street; and

WHEREAS, Raymond Rapcavage appeared before the Planning Board of the Borough of Rumson, on April 1, 2019; and

WHEREAS, on May 6, 2019, the Planning Board of the Borough of Rumson adopted a Resolution Denying the Minor Subdivision with Variances; and

WHEREAS, Raymond Rapcavage has requested a refund of the balance of the Escrow posted for this project; and

WHEREAS, Helen L. Graves, Chief Financial Officer, has confirmed there are no outstanding invoices for this project;

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the refund of the balance of the escrow fee in the amount of \$949.75 to RAY RAP REALTY.COM INC, PO Box 584, Rumson, NJ 07760.

Resolution seconded by Councilman Casazza and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

MOTION AUTHORIZING THE SOLICITATION OF BIDS FOR THE POSITION OF
CONSULTING ENGINEER AND BOROUGH PLANNER FOR THE PERIOD OF
AUGUST 1, 2019-JULY 31, 2020.

Councilman Casazza motioned that the Municipal Clerk/Administrator be authorized to solicit bids for the position of Consulting Engineer and Borough Planner for the period of August 1, 2019-July 31, 2020.

Motion seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Casazza offered the following Resolution and moved its adoption:

Vendor	Amount
NJ DEPT HEALTH/SR SERVICES	\$ 43.20
ANIMAL CONTROL FUND	\$ 43.20
LEE'S EMERGENCY EQUIPMENT, INC	\$ 28,735.00
CAPITAL FUND	\$ 28,735.00
CLARKE CATON HINTZ P.C.	\$ 3,756.60

<i>COAH TRUST FUND</i>	\$	<i>3,756.60</i>
AMERICANWEAR INDUST UNIFORMS	\$	948.44
ASBURY PARK PRESS	\$	50.36
ATLANTIC PLUMBING SUPPLY CORP	\$	249.33
ATLANTIC COAST FIBERS, LLC	\$	3,906.25
IDSAUTOSHRED NJ	\$	700.00
BLUE STAR OF NJ	\$	154.00
BOB'S UNIFORM SHOP	\$	309.95
BOB'S UNIFORM SHOP	\$	350.00
BOROUGH OF RUMSON CURRENT ACCT	\$	10,853.70
CLARKE CATON HINTZ P.C.	\$	350.00
COMCAST	\$	1,307.38
CONSTELLATION NEW ENERGY INC	\$	1,300.26
CROSS OVER NETWORKS	\$	2,130.31
DIRECT ENERGY BUSINESS	\$	212.33
EDWARDS TIRE CO INC	\$	1,134.45
EDWARDS TIRE CO INC	\$	1,878.70
EDWARDS TIRE CO INC	\$	415.80
FASTENAL CO	\$	606.16
FASTENAL CO	\$	295.83
GLENCO SUPPLY INC.	\$	348.00
GROFF TRACTOR MID ATLANTIC LLC	\$	291.20
JCP&L	\$	11,315.75
JESCO, INC.	\$	347.10
LAWES	\$	162.65
LAWES	\$	300.72
LAWES	\$	149.13
LAWES	\$	89.51
MICHELE A MACPHERSON	\$	240.00
MID-ATLANTIC TRUCK CENTRE INC	\$	408.62
NATIONAL MULTIPLE SCLEROSIS	\$	250.00
NAYLOR'S AUTO PARTS	\$	338.70
NAYLOR'S AUTO PARTS	\$	205.78
NJ NATURAL GAS CO.	\$	222.13
NJ NATURAL GAS CO.	\$	576.23
STATE OF NJ PENSIONS/ACTIVE	\$	79,906.31
STATE OF NJ PENSIONS/RETIREE	\$	27,168.43
OVERBROOK FARM	\$	669.60
PEP EXPRESS PARTS	\$	540.61
POWERHOUSE SIGNWORKS	\$	190.00
RELIANCE GRAPHICS	\$	2,292.00
RYSER'S LANDSCAPE SUPPLY	\$	3,923.88
SICKLES MARKET	\$	193.38
SIP'S PAINT & HARDWARE	\$	816.60
SIP'S PAINT & HARDWARE	\$	242.74
SIP'S PAINT & HARDWARE	\$	259.98
STATE SHORTHAND REPORTING SERV	\$	250.00
STAPLES BUSINESS ADVANTAGE	\$	737.52
STAVOLA ASPHALT CO. INC.	\$	598.46
MICHAEL B STEIB, PA	\$	403.00
JAMES & PAULINE TANNER	\$	813.00
TIMMERMAN EQUIPMENT COMPANY	\$	134.65
TRI STATE ENVIRONMENTAL	\$	1,114.00
THE TWO RIVER TIMES	\$	35.03
THE TWO RIVER TIMES	\$	15.50
THE TWO RIVER TIMES	\$	5.89

VERIZON	\$	35.77
VERIZON	\$	46.60
VERIZON WIRELESS	\$	104.95
VERIZON BUSINESS FIOS	\$	144.99
GEORGE WALL LINCOLN	\$	4,707.80
GEORGE WALL LINCOLN	\$	284.66
WARSHAUER ELECTRIC SUPPLY	\$	218.00
NATHAN P. WOLF, LLC &	\$	6,436.33
BARGER & GAINES	\$	2,000.00
<i>CURRENT FUND</i>	\$	<i>176,688.45</i>
ERIE LANDMARK COMPANY	\$	469.50
SICILIANO LANDSCAPE CO LLC	\$	450.00
<i>RUMSON ENDOWMENT FUND INC</i>	\$	<i>919.50</i>
JOHN CUNNINGHAM	\$	180.00
LEAGUE APPS	\$	730.75
NATIONAL CENTER FOR SAFETY	\$	40.00
SIP'S PAINT & HARDWARE	\$	409.92
<i>RECREATION TRUST</i>	\$	<i>1,360.67</i>
DANIEL & APRIL LOPICCOLO	\$	1,000.00
RAY RAP REALTY.COM INC	\$	949.75
MICHAEL B STEIB, PA	\$	611.00
<i>TRUST</i>	\$	<i>2,560.75</i>
<i>Animal Control Fund</i>	\$	<i>43.20</i>
<i>Capital Fund</i>	\$	<i>28,735.00</i>
<i>COAH Trust Fund</i>	\$	<i>3,756.60</i>
<i>Current Fund</i>	\$	<i>176,688.45</i>
<i>Rumson Endowment Fund, Inc.</i>	\$	<i>919.50</i>
<i>Recreation Trust</i>	\$	<i>1,360.67</i>
<i>Trust</i>	\$	<i>2,560.75</i>
<i>Total of All Funds</i>	\$	<i>214,064.17</i>

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery and Rubin.

In the negative: None.

Absent: Swikart.

COMMENTS FROM THE COUNCIL:

Mayor Hemphill afforded the members of the Council an opportunity to be heard at this time.

Councilman Casazza shared that he had recently heard from three (3) residents in regard to the draw schedule of the Sea Bright Bridge and he would like to know if the schedule would be changed to once every hour by the July 4th holiday weekend. He knows that various forms of communication have been sent to the Coast Guard about the matter.

Borough Administrator Thomas S. Rogers stated that once the rule had been changed in the Federal Registry, the schedule of once every hour on weekends and holidays would go into effect.

Council President Atwell suggested this information be posted on the Borough website. Further, Councilman Casazza asked if the information could be placed on a billboard of some sort.

Borough Engineer David Marks added that he would reach out to the County Engineer to confirm the date the rule would go into effect and also to make sure that the rule stays in effect when the replacement bridge is built.

COMMENTS FROM THE PUBLIC:

Mayor Hemphill afforded the public an opportunity to be heard at this time and no one spoke.

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Councilman Casazza, the meeting adjourned at 7:40 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator